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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

800 Data Base Access Tariffs

and the

800 Service Management System Tariff

CC Docket No. 93-129

Direct Case of
Century Telephone of Ohio, Inc.

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Summary

Century Telephone of Ohio, Inc. (Century) files this Direct Case in response to the July 19, 1993 Order Designating Issues for Investigation in the above-captioned matter. As demonstrated herein, the Federal Communications Commission (FCC) should terminate its investigation with respect to Century's 800 data base service tariff, and find that Century's 800 data base rates, terms, and conditions are just and reasonable in accordance with the Communications Act of 1934, as amended and the appropriate FCC decisions and Rules and Regulations.

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Direct Case of
Century Telephone of Ohio, Inc.

Century Telephone of Ohio, Inc. (Century), by its attorney and consultant, files this Direct Case in response to the July 19, 1993 Order Designating Issues for Investigation in the above-captioned matter.¹ As demonstrated herein, the Federal Communications Commission (Commission or FCC) should terminate its investigation with respect to Century's 800 data base service tariff,² and find that Century's 800 data base rates, terms, and conditions are just and reasonable in accordance with the Communications Act of 1934, as amended (Communications Act) and the appropriate FCC decisions and Rules and Regulations. In support thereof, the following is shown:

I. Introduction

In the Designation Order, the FCC requested comments on certain issues regarding the filing of both 800 data base-related

¹ See In the Matter of 800 Data Base Access Tariffs and the 800 Service Management System Tariff, Order Designating Issues for Investigation, CC Docket No. 93-129, DA 93-930, released July 19, 1993 (Designation Order). The filing dates associated with this investigation were extended on August 5, 1993. See In the Matter of 800 Data Base Access Tariffs and the 800 Service Management System Tariff, Order, CC Docket No. 93-129, DA 93-876, released August 5, 1993.

² As used herein, the term "800 data base service" refers to the service elements -- query charges and vertical features -- that Century filed in its federal access service tariff.

tariffs and 800 Service Management System tariffs. Century does not provide 800 Service Management System-related services or Responsible Organization (RESPORG) services.³ Accordingly, this Direct Case is limited to the issues concerning the 800 data base service tariffs.

Century filed revisions to its federal access service tariff on March 5, 1993⁴ in order to meet the requirements established by the Commission's January 29, 1993 decision regarding 800 data base service tariffs.⁵ Century's proposed rates, while subject to a one day suspension,⁶ were not revised from the original filing.⁷ The FCC made Century a party hereto as a result of the April 28 Order.

³ See Designation Order at para. 7.

⁴ See Century Telephone of Ohio, Inc, Transmittal No. 6, Tariff F.C.C. No. 1, filed March 5, 1993 (Century 800 Data Base Tariff).

⁵ See In the Matter of Provision of Access for 800 Service, Second Report and Order, CC Docket No. 86-10, FCC 93-53, released January 29, 1993 (Second Report and Order); see also In the Matter of Provision of Access for 800 Service, Memorandum Opinion and Order, CC Docket No. 86-10, DA 93-202, released February 22, 1993 at para. 2.

⁶ See In the Matter of the Bell Operating Companies' Tariff for the 800 Service Management System, Tariff F.C.C. No. 1, and 800 Data Base Access Tariffs, Order, CC Docket No. 93-129, DA 93-491, released April 28, 1993 (April 28 Order).

⁷ Century notes that the 800 data base service rates that were filed under Transmittal No. 6 were mirrored in its 1993 Annual Access Charge filing. See Century Telephone of Ohio, Inc., Transmittal No. 7, Tariff F.C.C. No. 1, filed April 2, 1993.

**II. The Century 800 Data Base Tariff
Clearly Describes the Services Offered**

The FCC has requested comments on the clarity with which the various Local Exchange Carrier (LEC) 800 data base service tariffs describe the services offered and, specifically, "on whether terms and conditions ... which appear in the 800 data base tariffs, are consistent with the Communications Act and with the Commission's Orders in CC Docket No. 86-10."⁸ Century submits that the terms and conditions that it has proposed regarding the provision of 800 data base service are clear and consistent with all appropriate authorities. While the Commission has cited several specific concerns with LEC tariffs in the Designation Order,⁹ Century submits that the terms and conditions set forth in its tariff are just and reasonable and that there is no basis for finding otherwise.

With regard to the FCC's concern "...that some LECs fail to state clearly that basic 800 query service includes area of service routing at the LATA level...",¹⁰ the Century 800 Data Base Tariff clearly states that the basic query charge to an 800 data base access service customer "...includes area of service routing which

⁸ Designation Order at para. 6.

⁹ See id.

¹⁰ Id.

allows routing of 800 calls by telephone companies to different interexchange carriers based on the Local Access Transport Area (LATA) in which the call originates."¹¹

Regarding the concern that LEC tariffs do not describe when a LEC may charge for a query when the associated call is not delivered to an Interexchange Carrier (IXC), Century submits that its tariff terms and conditions are both clear and reflective of the services it provides. The Century 800 Data Base Tariff provides that, "[a] Basic or Vertical Feature Query charge ... is assessed for each query launched to the 800 data base."¹² The service is provided to the IXC regardless of whether or not the call is completed; accordingly, the tariff clearly provides for the application of the associated charge.

With regard to concerns of some parties that the LEC 800 data base service tariffs do not accurately reflect limitations on the LECs' rights to market vertical features directly to end users, Century submits that there is no ambiguity in the Century tariff. To the extent that the Commission's decisions do not permit Century to market vertical services directly to end users,¹³ the tariff is not subject to an interpretation that could result in an

¹¹ Century 800 Data Base Tariff at 1st Revised Page 6-12, Section 6.1.3.A.3 (emphasis added); see also id. at 1st Revised Page 6-20, Section 6.1.3.C.3.

¹² Id. at 1st Revised page 6-12, Section 6.1.3.A.3.

¹³ See Designation Order at para. 6, n. 9.

impermissible activity. References in the Century tariff to "customer" can only be applied in the context of existing applicable law, policies, rules, and regulations.¹⁴

The only other issues raised by the Designation Order addressing the clarity of the LECs' 800 data base service tariff are related to the provision of RESPORG service. As stated earlier, the Commission's RESPORG-related issues are not applicable to Century since Century does not provide RESPORG services. Accordingly, the Century 800 Data Base Tariff makes no reference to RESPORGs.

None of the issues identified by the Designation Order regarding the clarity of a LEC's tariff are applicable to the Century tariff.¹⁵ Accordingly, the Commission should find that the

¹⁴ See Century 800 Data Base Tariff at 1st Revised Page 5-9, Section 5.2.1.D ("For 800 Data Base Access Service, as described in 6.1.3(A) and (C) following, the customer must order...."(emphasis added)).

¹⁵ Prior to the issuance of the Designation Order, the Century 800 Data Base Tariff, as well as those of the other LECs, were the subject of petitions for investigation and suspension by numerous parties. Except for a baseless challenge made by MCI Telecommunication Corporation (MCI), no other challenge was made to the Century 800 Data Base Tariff. See MCI Petition for Rejection and Suspension and Investigation, ALLTEL Telephone System Transmittal No. 6 et al., dated March 22, 1993 at Appendix A, page 3. MCI had argued that Century's definition of vertical features was "vague." See id. As indicated in Century's reply, MCI's claim was baseless since the language that Century used was almost identical to that used in the Commission's Second Report and Order in CC Docket No. 86-10. See Reply of Century Telephone of Ohio, Inc. to MCI Petition for Rejection and Suspension and Investigation, filed April 9, 1993 at 6-7; compare Second Report and Order, supra n. 5, at para. 5 and Century 800 Data Base Tariff at 1st Revised Page 6-12, Section 6.1.3.A.3, and 1st Revised Page

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terms and conditions of the Century tariff are appropriate and consistent with the Commission's 800 data base decisions and policies. As such, Century requests that the investigation regarding its 800 data base service terms and conditions be terminated with respect to this issue.

**III. Century's Role in Providing
Services Offered in Its Tariff is Clear**

The FCC has requested comments on the various "interconnection architectures" that have been included in the 800 data base tariffs of the LECs.¹⁶ The FCC seeks specific comments regarding "whether the originating LEC may properly establish tariffed charges for the query service when the neighboring LEC who provides the service also has charges for the service in its tariff."¹⁷

The Commission's inquiry in this regard is not one of first impression. While the technology and resulting service applications associated with 800 data base service are relatively new, the concept of LECs utilizing various network interconnection architectures to provide access services is not new. Achieving the

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6-20, Section 6.1.3.C.3. Accordingly, except for MCI's baseless claim, the IXC purchasers of the 800 data base service have not identified any problem with the clarity or structure of the terms and conditions stated in the Century 800 Data Base Tariff.

¹⁶ See Designation Order at para. 34.

¹⁷ Id. For purposes of this discussion, the "originating LEC" is the LEC within whose service territory the 800 call is made; the "neighboring LEC" is the LEC that actually launches the data base query, the service that is the subject of this investigation.

objectives of network and economic efficiencies often results in interconnection of more than one entity in the provision of access service, a network architecture clearly applicable to the provision of 800 data base access.¹⁸ This is clearly demonstrated by Century's implementation of 800 data base services, and its future deployment plans. Century plans to deploy its own Service Switching Points (SSPs) to provide 800 data base services. Until these SSPs are in service, Century has implemented an interim network plan to provide 800 data base service in conjunction with a neighboring LEC.

Currently, and as described in its tariff, Century utilizes an SSP owned by Ameritech;¹⁹ this is an interim network architecture that will expire when Century's own SSPs are deployed. In establishing this interim arrangement, Century informed Ameritech that Century would be the end office billing company for purposes of this 800 data base service connecting arrangement. Century appropriately updated the National Exchange Carrier Association, Inc. (NECA) Tariff F.C.C. No. 4 to reflect this arrangement.

The concepts of connecting carrier service architectures and meet point billing of jointly provided access services is not new to access customers. In addition to providing access services on

¹⁸ The FCC already has recognized that the smaller LECs should be afforded options in the provision of 800 data base. See In the Matter of Provision of Access for 800 Service, Report and Order, CC Docket No. 86-10, 4 FCC Rcd 2824, 2829, n. 90 (1989).

¹⁹ See Century 800 Data Base Tariff, 2nd Revised Page 17-3, Section 17.2.2.

a meet point, jointly provided basis, a LEC may elect to utilize the facilities of another carrier or third party in the provision of access service. For example, a LEC may arrange to provide transport access service utilizing the capacity of another entity. Under these circumstances, the LEC incurs an expense to the third party to compensate it for the use of its facility, and the expense is included among the costs considered in the development of the LEC's rates.

This is the same scenario that Century has employed in the provision of 800 data base access service. Initially, Century will utilize the SSP facilities of its neighboring LEC, Ameritech. Subsequently, Century will deploy its own SSPs in order to obtain network and economic efficiencies, and will interconnect to another entity's Service Transfer Point and Signal Control Point (SCP). Consistent with existing interconnection architectures, Century will incur charges for the utilization of other parties' facilities to the extent they are used in its provision of service. These charges are, in turn, included in the development of Century's rates for the provision of 800 data base access services.

In the Designation Order, the Commission expressed a concern as to whether double billing may result under this service architecture.²⁰ There is no basis for concern with regard to the

²⁰ See Designation Order at para. 34 ("Those carriers may choose instead to route 800 calls to a neighboring LEC equipped with the requisite facilities to query the 800 data base. In some of these cases, the originating LEC has nevertheless filed a tariff for 800 data base query charges.")

Century 800 data base service offerings. Access customers can determine from NECA Tariff F.C.C. No. 4 that Century is the proper billing entity for 800 data base access services associated with calls originated by its end users.

There is no possibility of customer confusion with respect to the role of Century in the provisioning and billing of 800 data base query service. Accordingly, the Commission should terminate its investigation of Century's tariff with respect to this issue.

**IV. Century Has Properly Developed
Its 800 Data Base Service Rates**

**A. The Century Tariff Rates Properly Flow
Through Changes in LEC Costs of Providing
Basic Query Service and Vertical Features**

Century's Description and Justification, included with the Century 800 Data Base Tariff filing, clearly states that Century would pass through to the subscribing IXC only those charges that Century incurred for the service.²¹ These charges are the basic query charge from Ameritech for the query response from its SCP and the charges associated with transport of the query provided by a third party provider. Century submits that its decision to flow through these charges yields rates that are both reasonable and entirely appropriate.²² Century's rate development is, in fact,

²¹ See Attachment A.

²² Century did not include in its interim 800 data base service rate development any overheads, carrying charges or rate of return component because, initially, it is utilizing the Ameritech SSP as described herein. While Century anticipates that its SSP will be placed into service during the projected year, Century has

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consistent with the guidance specifically provided by the Commission.

For example, in the context of the March 5, 1993 filing, the FCC recognized that permitting LECs, such as Century, "to use an average or surrogate method or rule that relied on NECA data would probably be economically more efficient than requiring detailed studies and would still produce reasonable results."²³ Further, the Century rates reflect only the charges to Century from third parties.²⁴ Consequently, Century's rates will literally flow through charges for services provided over the facilities of other

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relied upon the Commission's Second Report and Order pronouncements regarding the development of initial 800 data base service rate levels. See infra. Moreover, in establishing its initial rates, changes in demand was not a consideration since the charges to Century from the third party provider are made on a per query basis. When Century deploys its own SSP and obtains experience upon which to base reasonably accurate projections of demand, Century will file appropriate rate revisions, if required.

²³ Second Report and Order, supra n. 5, at para. 37 (emphasis added).

²⁴ Recently, Century became aware that Ameritech lowered its SCP charge from 0.0022 to 0.002066, effective July 2, 1993. This reduction was in response to the Commission's directive that required tariff filings to reflect a new allocation of General Support Facilities. See generally In the Matter of Amendment of the Part 69 Allocation of General Support Facility Costs, Report and Order, CC Docket No. 92-222, FCC 93-238, released May 19, 1993. However, Century notes that these rates are the subject of an investigation. See generally In the Matter of 1993 Annual Access Tariff Filings et al., Memorandum Opinion and Order Suspending Rates and Designating Issues for Investigation, CC Docket Nos. 93-193, 93-123 and 93-129, DA 93-762, released June 23, 1993. Accordingly, in the interest of administrative efficiencies, Century has not refiled its rates for 800 data base service and does not plan to do so until the investigation of the Ameritech rates is concluded.

LECs and third parties. Century submits, therefore, that the rates it has established for 800 data base service and the rate development methodology that it has employed are appropriate. Accordingly, the Commission should terminate its investigation of the Century tariff with respect to this issue.

B. The Century Rates Properly Reflect the Flow Through of Charges from Third Parties, and are not Based on Demand

As indicated above, the rates that Century proposed in the Century 800 Data Base Tariff are based on a flow-through of the charges that Century incurs from the underlying SCP provider and transport provider. Accordingly, the rates proposed by Century are not dependent on demand; when an 800 call is made, the expenses (third party charges) are incurred and passed through to the IXC data base access customer.

C. Concerns Regarding CCSCIS Cost Allocations are not Applicable to the Century 800 Data Base Tariff

Century submits that the Commission's concerns regarding the Common Channel Signalling Cost Information System (CCSCIS) are not applicable to the Century tariff.²⁵ As described above, the Century 800 data base service rates were developed in accordance with the guidance provided by the Commission, and are based upon a flow through of per query charges incurred by Century from third parties. Century did not utilize CCSCIS or any other computer model to develop its rates. Moreover, Century has not filed

²⁵ See Designation Order at paras. 37-38.

"revised 800 data base rates"²⁶ since its original March 5, 1993 filing. Accordingly, the Commission's directives associated with certain data to be provided in Appendix B of the Designation Order are not applicable to Century.²⁷


V. Conclusion

As shown herein, Century's rates, terms and conditions for 800 data base service are just and reasonable, and in accordance with the Communications Act, the Commission's policies, and applicable FCC decisions and Rules. Accordingly, Century requests that the Commission find that Century has complied with such directives in the Century 800 Data Base Tariff, and that this investigation be terminated in its entirety with respect to Century's 800 data base services.

Respectfully submitted,

Century Telephone of Ohio, Inc.

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²⁶ Id., Appendix B at p. 18.

²⁷ See id. at para. 38.

CENTURY TELEPHONE COMPANY OF OHIO, INC.

**800 DATA BASE SERVICE
ACCESS TARIFF REVISIONS**

**TRANSMITTAL NO. 6
March 5, 1993**

Description and Justification

I. Introduction and Background

Century Telephone Company of Ohio, Inc. (Century), submits the accompanying access tariff revisions to its Access Tariff F.C.C. No. 1. Transmittal No. 6 is proposing revisions for 800 Data Base Access Service to comply with the Commission's January 29, 1993 Memorandum Opinion and Order on Further Reconsideration in CC Docket No. 86-10, FCC 93-54.

On January 29, 1993 the Commission released two related decisions in CC Docket No. 86-10 concerning the provision of 800 Data Base Access Service. The Commission's Memorandum Opinion and Order on Further Reconsideration in CC Docket No. 86-10, FCC 93-54 (Further Reconsideration), ordered all Local Exchange Carriers (LECs) to provide 800 Data Base Access Service on May 1, 1993. The Commission's Second Report and Order in CC Docket No. 86-10, FCC 93-53, required access tariff revisions to be filed by March 1, 1993, effective May 1, 1993. A subsequent Memorandum Opinion and Order, DA 93-202, released February 22, 1993, granted a waiver to permit

LECs who offer 800 service, but do not own their own Signal Control Point (SCP), to file their 800 Data Base Access Service tariffs on March 5, 1993, if they required extra time to take into account the 800 data base rates charged by SCP owners.

II. Description

In the Commission's Further Reconsideration, all LECs are to provide 800 Data Base Access Service on May 1, 1993. 800 Data Base Access Service is provided with FGC or FGD switched access service. When a 1+800+XXX+XXXX call is originated by an end user, the Telephone Company will utilize the Signalling System 7 (SS7) network to query an 800 data base to perform the identification function -- the identification of the Customer (i.e., Interexchange Carrier) to whom the call will be delivered. The call will then be routed to the identified Customer over FGC or FGD switched access. The manner in which 800 data base access service is provided is dependent on the availability of SS7 service at the end office from which the service is provided. All traffic originating from end offices not equipped to provide SS7 signaling and routing will require routing via an access tandem where Service Switching Point (SSP) functionality is available.

The Basic Query to the 800 data base provides the identification of the Customer to whom the call will be

delivered and includes area of service routing which allows routing of 800 calls by telephone companies to different interexchange carriers based on the Local Access Transport Area. The Vertical Feature Query provides the same customer identification as the basic query and vertical features which may include: call validation, translations of 800 numbers, alternate translations and multiple carrier routing.

III. Justification

With this filing Century is responding to the Commission's Further Reconsideration concerning 800 Data Base Access Service. Century's end offices will be required to route all 800 calls to an 800 data base to determine the appropriate customer. Century's end offices will be responsible for the SSP functionalities either by connection to another LEC's SSP or utilization of Century's own SSPs. Century does not own its own SCP. As such Century will be assessed a query charge by the 800 data base owner (i.e., SCP owner) for providing the data base function. The additional costs for 800 data base service are reflected on a per query basis in Attachment A. This tariff application specifies the requirements for 800 data base and specifies rates that will be applied to cover costs incurred in making a query.

CENTURY TELEPHONE OF OHIO
800 DATA BASE QUERY CHARGE DEVELOPMENT WORKSHEET

(For End Offices using Ameritech for SSP functionality)

BASIC QUERY CHARGE FROM AMERITECH'S SCP	\$0.0022
TRANSPORT CHARGE FOR BASIC QUERY	<u>\$0.0070</u>
CENTURY TELEPHONE OF OHIO RATE FOR BASIC QUERY	<u><u>\$0.0092</u></u>

(For End Offices using Century Telephone of Ohio for SSP functionality)

BASIC QUERY CHARGE FROM AMERITECH'S SCP	\$0.0012
TRANSPORT CHARGE FOR BASIC QUERY	<u>\$0.0070</u>
CENTURY TELEPHONE OF OHIO RATE FOR BASIC QUERY	<u><u>\$0.0082</u></u>

VERTICAL FEATURE QUERY CHARGE:	\$0.0002
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Certificate of Service

I, Thomas J. Moorman, do hereby certify that on this 20th day of September, 1993, a copy of the foregoing "Direct Case of Century Telephone of Ohio, Inc." was hand delivered to the offices listed below.

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